



OUTDOOR ADVERTISING CONTROL

Montana
Department of Transportation
5th Edition



**Public Service
Message**

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What is the Outdoor Advertising Control Program?

In section 12 of the Federal-Aid Highway Act of 1958, Pub. L. 85-381, 72 Stat. hereinafter called the “act,” the Congress declared: To promote the safety, convenience, and enjoyment of public travel and the free flow of interstate commerce and to protect the public investment in the National System of Interstate and Defense Highways, hereinafter called the “Interstate System,” it is in the public interest to encourage and assist the States to control the use of and to improve areas adjacent to such system by controlling the erection and maintenance of outdoor advertising signs, displays, and devices adjacent to that system.

The Highway Beautification Act became Federal Law on October 22, 1965. The first section of the law sets forth program objectives. “The erection and maintenance of outdoor advertising signs, displays, and devices in areas adjacent to the Interstate and Primary highway system should be controlled in order to protect the public investment on such highways, and to promote the safety and recreation value of public travel, and to preserve natural beauty.”

The law mandated state compliance and development of a standard for certain signs and the removal of nonconforming and unlawful signs. Failure of the states to comply could result in a penalty of 10 percent of the state’s annual Federal-aid highway funds. In Montana, this penalty could result in a loss of \$15 to \$20 million annually.

Montana enacted a state law in 1971. Major amendments to that law were enacted in 1995.



The above signs are classic examples of units that are abandoned, in disrepair, or lacking appropriate maintenance.



The above signs are good examples of unlawful signs. The sign on the left has two off premise signs that violate spacing requirements. Additionally, signs can not be posted on trees.

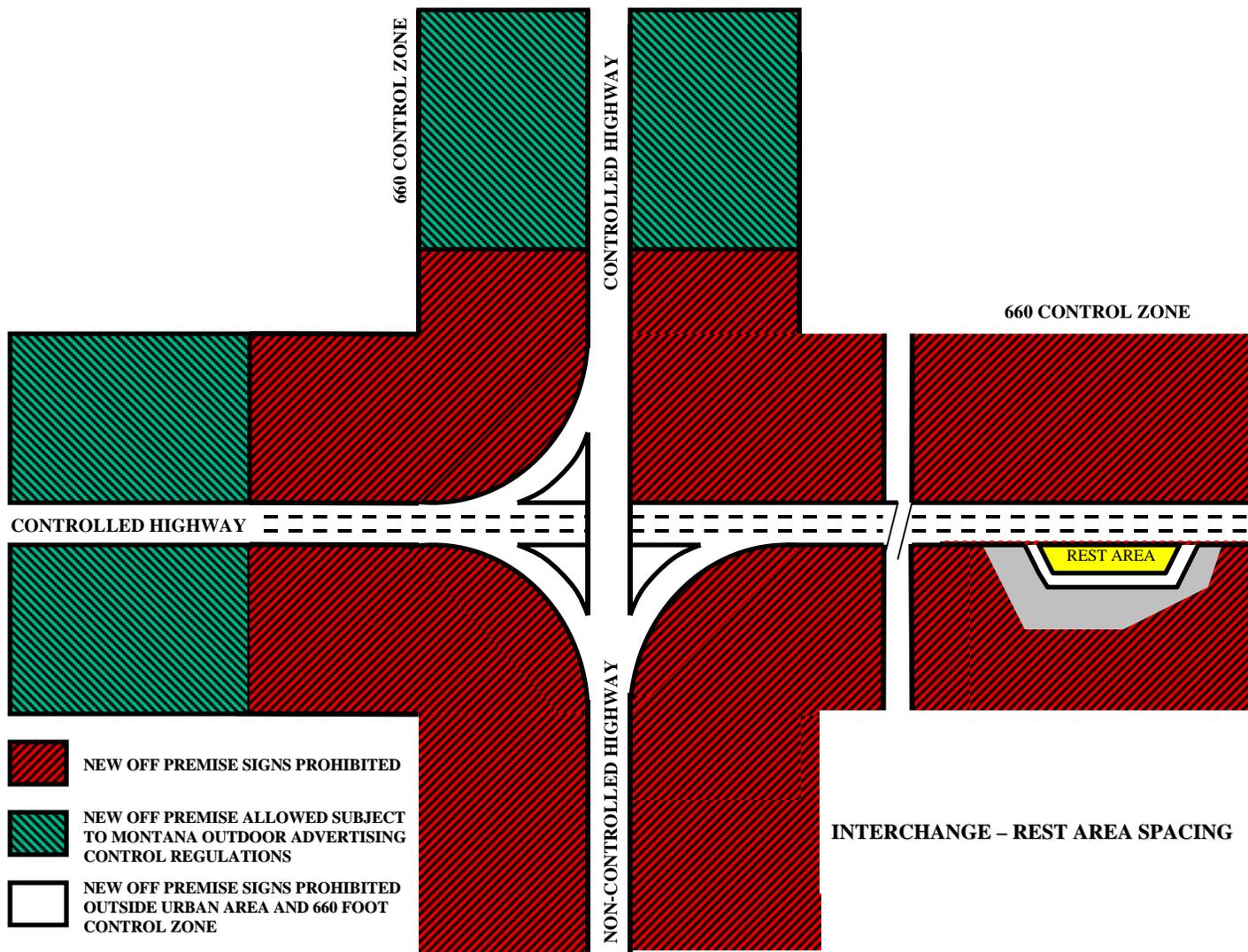
Features of Outdoor Advertising Control

The State of Montana agreed to provide “effective control” of outdoor advertising by establishing a sign permit system; maintenance of an inventory of all permitted signs, and periodic surveillance of the controlled routes to discover unlawful signs and monitor other signs as required by state law.

Two distinct enforcement impacts emanate from the “effective control” provisions:

- The removal of unlawful signs;
- The reasonable enforcement of land use control concepts that are applicable to nonconforming signs such as abandonment, destruction, and customary maintenance.

An unlawful sign is one which is erected and/or maintained in violation of the law. A sign is nonconforming if it was erected prior to the effective date of state law, but does not conform to the law’s requirements. The term “grandfathered” sign is often used in relation to nonconforming signs.



The sign “Masonic Home” shown above is a good example of a sign that violates one of the boundaries shown above.

How are highways subject to control identified?

All highways designated as part of the National Highway System (NHS) are subject to control. The NHS system includes all interstate highways and many of the former primary highways. Most primary highways that are subject to control that are not a part of the NHS system. If you want to know if a particular highway falls under the Outdoor Advertising Control jurisdiction, you can check with representatives of the Montana Department of Transportation.

What is the control area?

Inside urban boundaries, outdoor advertising is controlled within 660 feet from the edge of the right of way.

Outside urban boundaries, outdoor advertising is controlled to the limit of visibility or readability of the sign. In commercial and industrial areas, conforming signs must be erected within 660 feet from the edge of the right of way.

The Urban boundary definition and maps are available from the Montana Department of Transportation. In Montana, the urban designation is for cities of populations of 5,000 or more. The boundaries are set by agreement among Federal, State, and Local governments.



Montana Motorist
Information Sign Group

A Division of Logo Signs of America, Inc.

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1-800-285-LOGO(5646)



The sign on the upper left is a Tourist-Oriented Directional Sign, while the other two are LOGO signs, which are maintained by Montana Motorist Information Sign Group.



Are there any signs that are exempt from control under this program?

Yes, some signs that are visible from controlled highways are exempt from this program. They include:

-Directional and other official traffic signs.

-Signs advertising the sale or lease of property on which they are located.

-Signs advertising the products and activities conducted on the property on which they are located. These signs are referred to as “on premise” signs.

-Political signs. These signs are allowed 90 days before the applicable election and must be removed within 30 days following the election.

-LOGO and TODS signs authorized under the Motorist Information Sign Act.





These signs are classic examples of cultural, directional, and “Welcome To’s.”



Are there any signs that can be erected along the controlled highways, in which the rules and regulation are less restrictive than advertising signs?

Yes, the following signs may be erected outside a zoned or unzoned commercial or industrial area:

Ranch and Rural Directional signs for operations that do not abut the highway, but have access by a non-public access road across other ownerships. These signs cannot exceed 32 square feet and cannot be erected adjacent to an interstate highway.

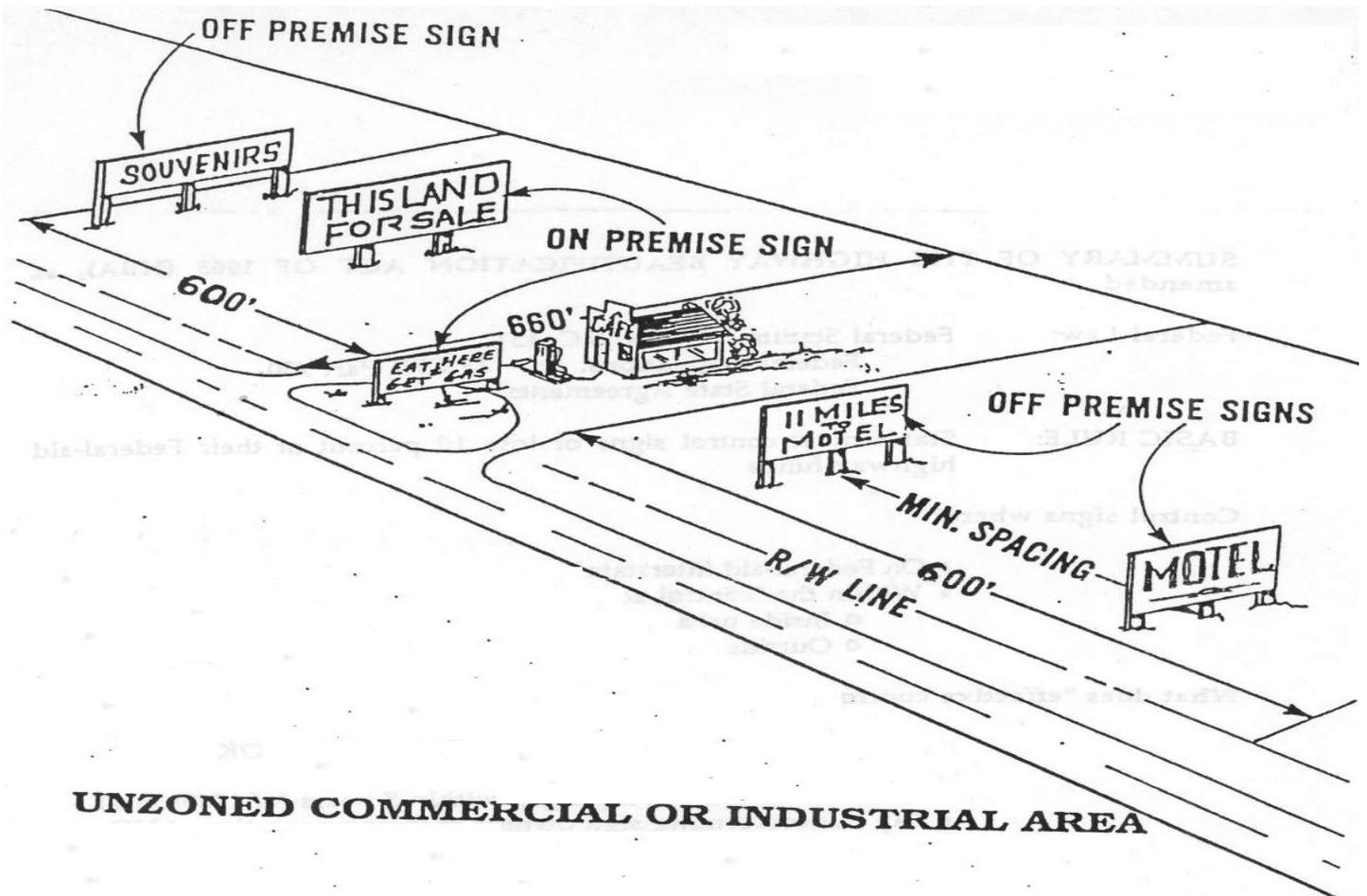
Directional signs pertaining to natural wonders; scenic or historical attractions as authorized by law.

Signs advertising cultural exhibits of nonprofit historical or arts organizations. These signs cannot exceed 150 square feet in area and the message is limited to identification on the activity and directional information useful to the traveler. The signs also must be located within a prescribed distance from the activity.

Noncommercial signs such as “Welcome to” community signs and public service signs. “Welcome to” community signs are limited to 100 square feet and a maximum of two signs for each community. Public service signs are limited to 32 square feet.

In the case of the signs identified above, a permit is required from the Montana Department of Transportation, but the three year renewal fees are waived.

These “Burmashave” style signs are unlawful in the state of Montana.



What are the rules and regulations for the placement of Off Premise advertising signs or billboards?

Off premise advertising signs can only be placed in zoned commercial or industrial areas, or in unzoned commercial or industrial areas, as determined by the Montana Department of Transportation. Signs in unzoned areas must be located within 600 feet of a qualifying business and must be on the same side of the highway. There is a limit of two signs for each qualifying business.

Signs adjacent to the interstate highways or limited access primary routes must be a minimum of 500 feet from other permitted signs. Signs along most primary routes may be spaced 300 feet apart from other permitted signs. There are other spacing requirements for signs within cities or towns.

The law provides that advertising signs may not be erected that:

- Exceed 672 square feet in area
(a 48 foot by 14 foot sign is 672 square feet).
- Exceed 48 feet in length
- Exceed a maximum height of 30 feet when measured at the right angle from the surface of the roadway.

All advertising sign permits require an initial application fee and the payment of a three year renewal fee.



How much are permit fees?

All fees are based on the square footage of the sign face for both the application fee and the three-year renewal fee.

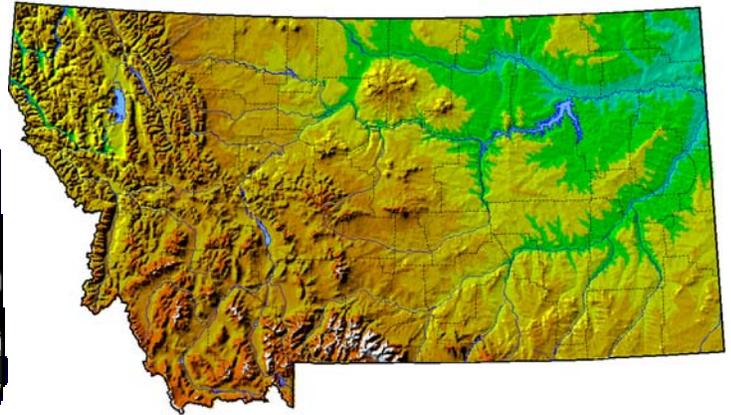
The initial permit fee runs from a minimum of \$20 for a 32 square foot sign or less to \$45 for a sign that exceeds 513 square feet. A sign that is 30 feet wide, by 10 feet high, or 300 square feet is \$40.

The 3 year renewal fee is a minimum of \$15 for a sign that is up to 50 square feet. That is \$5 a year for three years. For signs that exceed 51 square feet the fee is 20 cents per square foot. That calculates to 6.7 cents a year per square foot. As an example, the fee for a 300 square foot sign would be \$60 for the three-year period.

After the initial three-year period, the Montana Department of Transportation simply issues a statement of fees due. The sign owner is not required to apply for a new permit.

Those who wish to erect an advertising sign should contact a Right-of-Way agent in the appropriate District of the Montana Department of Transportation. The agent will provide the application forms and explain in detail the rules and regulations.







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